

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-cv-10571-RWZ

JOSEPH SCHMITT,
Plaintiff,

v.

CARTER THOMAS, et al.,

Defendants.

**MOTION TO STAY ALL FURTHER PROCEEDINGS PENDING THE
OUTCOME OF DEFENDANTS' RENEWED MOTION TO DISMISS**

The defendants hereby move to stay all further proceedings pending the outcome of defendants' Renewed Motion to Dismiss, filed with this Court on April 13, 2007. As grounds therefore, counsel for defendants states that the interests of judicial economy would best be served by a stay of all matters pending the outcome of this motion.

Should the Court grant the defendant's motion, this would obviate dealing with the plaintiff's request for admissions, his request for production of documents, and any future discovery contemplated. Even in the unlikely event that the plaintiff's Complaint were not entirely dismissed, the Court's ruling on the defendant's dispositive motion would frame any remaining issues and dictate the breadth of any corresponding discovery. For the reasons set forth in the Renewed Motion to Dismiss, all of plaintiff's claims are dismissable as a matter of law without the need for discovery. Under such circumstances, any discovery propounded by the plaintiff is irrelevant and constitutes an annoyance and an undue burden or expense.

Wherefore, the defendants request that the Court stay all further proceedings in this case, including discovery, pending a ruling on defendants' Renewed Motion to Dismiss.

Dated: June 15, 2007

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Jody T. Adams

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CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served on plaintiff, pro se, via first class mail.

Dated: 6/15/2007

/s/ Jody T. Adams

Jody T. Adams, Counsel